

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18094 of 2015

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Sankar Kumar Vasta Proprietor M/s Sankar Kumar Vasta at Agarwa P.O.
Motihari Dist E. Champaran

... .. Petitioner/s

Versus

1. The Union Of India through General Manager, E.C. Railway Hajipur.
2. Senior Divisional Commerical Manager E.C. Railway at Samastipur
3. Sr. Divisional Manager East Central Railway at Samastipur.
4. The Senior Divisional Manager Engineer East Central Railway at Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Advocate
For the UOI	:	M/s Amarendra Nath Verma, Sr. Panel Counsel
		Union of India
		Punam Kumari Singh, CGC

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 12-11-2024

1. The petitioner has filed the Writ petition for
the following reliefs:-

*“[A] For issuance an
appropriate writ in nature of Mandums
or any other appropriate writ/writs,
order/s, direction/s to quash the letter No
W/98/M-217/W-1 issued by the
respondent no 4 whereby and where
under the agreement has been cancelled
by him before granted time till 31.8.15.
[Contain in Annexure 6].*

[B] For issuance an



appropriate writ/writs order/s or direction/s to the respondents to grant further time for complete the works which is not completed due to cancellation of agreement of the petitioner.

[C] For issuance order/s or direction/s to make or release all payment and forfeited earned money of the petitioner due to cancellation of the agreement and extended cost due to delay of the work.

[D] Any other relief or reliefs for which the petitioner is found to be entitled.

2. At the outset, the the Learned counsel for the petitioner states that in view of the intervening developments, the relief Nos. [A] and [B] as prayed for in the Writ petition have become infructuous. As such, petitioner may be permitted to withdraw the relief Nos. [A] and [B] of the Writ petition.

3. Permission is granted.

4. Now, the petitioner seeks for order/direction



to make or release all payment and forfeited earned money of the petitioner due to cancellation of the agreement and extended cost due to delay of the work.

5. At the very outset, Learned counsel for the respondents contended that since this matter is squarely covered under the judgment dated 05.12.2018 passed in **CWJC No. 23337 of 2013 (Shankar Kumar Vatsa Vs. The Union of India & Ors.)** by this Court, in which this Court has taken note that remedy by way of arbitration is available to the petitioner for the relief sought for in the Writ petition, this writ petition may also be disposed of on the same terms and conditions.

6. In that view of the matter, this Court is not inclined to interfere in the matter to exercise its extraordinary Writ jurisdiction. The Writ petition, accordingly, stands disposed of with liberty to the petitioner to invoke the arbitration clause for redressal of his grievances. It is made clear that this Court is not expressing any opinion on the merits of the matter.

7. It is made clear that in case such an



application is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

8.Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2024
Transmission Date	

